

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIA ANN HUDSON,

Plaintiff,

v.

KING COUNTY HOUSING
AUTHORITY et al.,

Defendants.

CASE NO. 2:24-cv-00770-TL

ORDER

This is an action alleging wrongful conduct by the King County Housing Authority (“KCHA”), Bellevue Police Department (“BPD”), and several individuals. This matter is before the Court on Plaintiff’s Motion to Appoint Counsel. Dkt. No. 9. On June 24, 2024, Plaintiff Maria Ann Hudson filed an application for the Court to appoint counsel. *Id.* For the reasons stated herein, the Court DENIES the motion.

I. BACKGROUND

Plaintiff filed her original complaint on June 4, 2024, alleging, *inter alia*, various civil rights violations under 42 U.S.C. § 1983. Dkt. No. 5. Plaintiff’s allegations derive from her

1 assertion that she was “defrauded [of] \$177,000 worth of personal property due to ongoing
2 malfeasance, misconduct and retaliation,” “when they provided packing, moving, and unpacking
3 services and supports.” *Id.* at 9, 12. On July 15, 2024, Plaintiff filed an amended complaint. Dkt.
4 No. 12. The amended complaint removed two of the individual defendants and, to some degree,
5 clarified the nature of her allegations and more clearly identified the underlying provisions upon
6 which her Section 1983 claim is predicated. *Id.* at 1, 2–6. On July 22, 2024, Plaintiff filed a
7 motion requesting leave to amend her complaint again, this time to “correct[] [] the misnomers
8 mistakenly made pertaining to the Defendants.” Dkt. No. 19 at 2. The Court granted this motion
9 on September 18, 2024. Dkt. No. 42.

10 II. LEGAL STANDARD

11 “Generally, a person has no right to counsel in civil actions.” *Palmer v. Valdez*, 560 F.3d
12 965, 970 (9th Cir. 2009) (affirming denial of appointment of counsel). Although most *pro se*
13 litigants would benefit from representation by an attorney, that alone does not warrant the
14 appointment of counsel. *See Rand v. Roland*, 113 F.3d 1520, 1525 (9th Cir. 1997) (affirming
15 denial of appointment of counsel), *overruled on other grounds*, 154 F.3d 952 (9th Cir. 1998) (en
16 banc). Instead, a court may appoint counsel for indigent civil litigants under “exceptional
17 circumstances,” pursuant to 28 U.S.C. § 1915(e)(1). *See Palmer*, 560 F.3d at 970. When
18 determining whether “exceptional circumstances” exist, a court must at least consider “the
19 likelihood of success on the merits as well as the ability of the [plaintiff] to articulate his claims
20 *pro se* in light of the complexity of the legal issues involved.” *Id.* (quotation marks omitted)
21 (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)). Neither of these considerations
22 is dispositive; they must be viewed together. *Id.* Exceptional circumstances may exist where the
23 litigant has an insufficient grasp of the legal issues involved or is unable to state the factual bases
24 of the claims. *See Agyeman v. Corr. Corp. of Am.*, 390 F.3d 1101, 1103–04 (9th Cir. 2004)

(requiring appointment of counsel where a case was unusually complex due to case law as well as litigant's personal circumstances); *see also Tilei v. McGuinness*, 642 Fed. App'x 719, 722 (9th Cir. 2016) (appointing counsel where, among other reasons, litigant likely needed expert testimony to prevail on deliberate indifference claim).


III. DISCUSSION

Having considered the standard for appointment of counsel for indigent civil litigants, the complaint(s), and the instant motion, the Court finds appointment of counsel here to be inappropriate. At this stage of the litigation, the Court cannot conclude that exceptional circumstances exist to warrant appointment of counsel. The Court is unable to weigh the likelihood of success on the merits of Plaintiff's claims on the underdeveloped record before it. *See, e.g., Sam v. Renton Sch. Dist.*, No. C21-1363-RSM, 2021 WL 4952187, at *1 (W.D. Wash. Oct. 25, 2021) ("The Court cannot conclude on this thin record whether these claims have a strong likelihood of success on the merits."). Further, as evidenced by her ongoing efforts to amend her complaint, Plaintiff's filings generally demonstrate a level of legal comprehension that fails to meet the requisite "high bar to show that the legal issues involved are sufficiently complex [as to] impede[] [her] ability to present [her] case." *Siglar v. Hopkins*, 822 F. App'x 610, 612 (9th Cir. 2020).

IV. CONCLUSION

For the foregoing reasons, Plaintiff's motion to appoint counsel is DENIED.

Dated this 19th day of September 2024.



Tana Lin
United States District Judge